

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JESSICA K. MASHBURN,

Plaintiff,

V.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. C22-5538-JHC

ORDER AMENDING THE SCHEDULING ORDER

Plaintiff was required to file the Opening Brief for this matter on or before April 28, 2023. Dkt. #12. By May 1, 2023, Plaintiff still had not filed the Opening Brief, prompting the Court to issue an order for Plaintiff to show cause by May 15, 2023, why this matter should not be dismissed for lack of prosecution. Dkt. #13. The Court advised that Plaintiff could respond by filing the Opening Brief along with an explanation for the delay. *Id.* Plaintiff filed the Opening Brief on May 3, 2023 (Dkt. #14), and explained that the late submission was due to a “calendaring error and oversight due to a change in the paralegals in the office.” Dkt. #14-1 at 1. The Court does not find a change in paralegals in the office, leading to a calendaring error, a reasonable cause for failure to comply with the Court’s Scheduling Order, but will nonetheless accept the Opening Brief. However, the Court reminds Plaintiff’s counsel that “[a]n attorney or party who without just cause fails to comply with ... [the local] rules, or an order of the court, or who presents to the court unnecessary motions ..., or who otherwise so multiplies or obstructs the

1 elsewhere in these rules, ... be subject to such other sanctions as the court may deem
2 appropriate." LCR 11(c). The Court, therefore, advises Plaintiff's counsel that any failure to
3 comply with the Court's orders in the future may result in sanctions.

4 To avoid prejudice to Defendant, the Scheduling Order is hereby AMENDED as follows:

5

- Defendant shall have up to and including June 2, 2023 to file the Responsive Brief.
- 6 • Plaintiff shall have up to and including June 16, 2023 to file the optional Reply Brief.

7 DATED this 3rd day of May, 2023.

8

9 

10 John H. Chun
11 United States District Judge

12
13
14
15
16
17
18
19
20
21
22
23